

BILL

FOR

Enlightening the Streets within the City of Exeter, and Suburbs thereof.

Whereas the City of *Exeter*, which is a Place of considerable Trade in the Woollen Manufacture, and very populous, wherein many Fairs are kept and held yearly, and through which the great Western Road from the City of *London* into *Cornwall* leads, is not at present enlightened in the Night Time:

And whereas properly Enlightening the said City, and Suburbs thereof, will be of great Importance, and tend to the Preservation of the Persons and Properties of the Inhabitants thereof, and other Persons resorting thereto:

May it therefore please Your MAJESTY,

That it may be Enacted: And be it Enacted, by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such a convenient and sufficient Number of Glass Lamps, of such Sort and Fashion, and put up in such Parts and Places of the said City of *Exeter*, and its Suburbs, and the Liberties and Precincts thereof, as to

shall from time to time seem meet and expedient, shall be, with all convenient Speed, erected and fixed to or near any House or Building, Place or Places whatsoever, within the said City, Suburbs, or Precincts thereof; and the same shall be lighted, and kept burning from

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And,

And, for defraying the yearly Charges of supplying, maintaining, and repairing the same Lamps, Be it Enacted, by the Authority aforesaid, That the said shall and may, and they are hereby authorized and impowered to ascertain what Sum or Sums of Money, not exceeding in any One Year the Sum of shall be within the next ensuing Year, to be applied as herein after is directed, for the supplying, maintaining, and repairing the same: And they are hereby authorized and required indifferently to ascertain and declare what Sum or Sums of Money, Part of the aforesaid Sum of shall be upon each Parish and Precinct within the said City and its Suburbs, and by their Order, made at to authorize and require the Churchwardens and Overseers of the Poor of each respective Parish and Precinct to assess the same respectively, by of every Inhabitant living and residing in the said City, and its said Suburbs, Liberties, and Precincts, rating and paying to the Poor Rates of the said Parishes, Suburbs, Liberties, and Precincts, respectively, for or in respect of their Persons or personal Estate: And that, for such Purpose, it shall and may be lawful to and for the Churchwardens and Overseers of the Poor of the said several Parishes, Suburbs, and Places, or of them, and they are hereby required, yearly and every Year, on some Day within the Space of from Easter Day, to meet at or at some publick Place within their respective Parishes, Precincts, or Places, upon Notice of the Day and Place, to be given by the Churchwarden or Churchwardens of the said Parish, Precinct, or Place, who is and are to take care that Notice be given accordingly in the Parish-Church on a Sunday immediately after Divine Service, and they, or of them there present, are hereby required to make and settle an equal Rate or Rates, Assessment or Assessments, to commence from next preceding, upon the said Inhabitants of the said Parishes, Precincts, and Places, according to their several Abilities, as aforesaid: such Rates and Assessments to be made for following, for the maintaining and repairing the Lamps aforesaid: And shall then also, at such Meeting, appoint Two Collectors for collecting the same, by Payments, within the several Parishes, Precincts, and Places, of the said City and its Suburbs, for which they are so appointed Collectors: Which said Rates shall be allowed and confirmed by or more Justices of the Peace of the said City, whereof for the Time being to be One, or any Justices without of which said Rate, so allowed as aforesaid, the said Churchwardens or Overseers shall give, or cause to be given, publick Notice in their said respective Churches after the same shall have been so allowed: And that no Rate shall be esteemed or reputed valid and sufficient, so as to collect and raise the same, unless such Notice shall have been given: And after the said Rates shall be so made, confirmed, and published, the said shall have Power, and are hereby required, to cause the same to be within the several Parishes, Precincts, or Places, of the said City and its Suburbs: And if any such Person or Persons shall wilfully and obstinately refuse or neglect to give Notice, assess, or collect, as aforesaid, being thereunto summoned and appointed as aforesaid, every such Person and Persons shall forfeit the Sum of And in case any Person or Persons, so assessed, shall refuse or neglect to pay the same, by the Space of next after the Time herein-after limited for Appeals, on Demand thereof made, it shall and may be lawful for the said Collectors, by Warrant under the Hands and Seals of the said and any more of the said Justices, or any Justices without the to of the Goods of any such Person or Persons, found or being within any Parish, Place, or Precinct, of the said City or its Suburbs, rendering to him or them the Overplus, if any be, and demanded, after the necessary Charge for taking such is first made: And that every

every Collector and Collectors is and are hereby required, when and as often as he or they shall have collected the Sum of _____ to pay the same into the Hands of _____ for the Time being, for which he or they shall be appointed Collector or Collectors, so as such Collector or Collectors shall never have the Sum of _____ in his or their Hands for more than Ten Days at any one Time.

Provided always, and it is hereby Declared, That in case any Person or Persons, Parish, Place, or Precinct, shall think him, her, or themselves aggrieved, by such Tax or Assessment as aforesaid, it shall and may be lawful for them respectively, within the Space of _____ after such Tax or Assessment shall be laid, to appeal to the said _____ whose Decision shall be final and conclusive.

And be it further Enacted, by the Authority aforesaid, That the said _____ shall and may, and they are hereby required, authorized, and empowered, to contract and agree

with any Person or Persons for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing, such Number of Lamps as shall, as aforesaid, be deemed necessary for the said several Parishes, Precincts, and Places respectively.

Provided nevertheless, That such Contract or Contracts be not made for any Space of Time exceeding _____ at one Time: And that no _____ for the Time being, or any _____ in the said City, or any Person or Persons in Trust for him or them, or any of them, shall be concerned or interested in any Contract, or otherwise, for lighting the said City, or any Part thereof, or for providing or fixing any of the said Lamps, or of any Posts, Irons, or other Materials necessary thereto.

And whereas Deficiencies may arise by Reason of the Deaths or Insolvency of Persons assessed, or of the Collectors, or by Reason of the Removal of Persons so assessed without paying their several Assessments, or by Reason of Alterations which may be made on Appeals in the said Rates, or otherwise; **Be it further Enacted and Declared**, by the Authority aforesaid, That then, and in every such Case, the same shall be again rated and laid on the Inhabitants of the said Parish, Precinct, or Place, in or for which such Deficiencies shall arise or happen, and be collected by a new or additional Assessment on all the Inhabitants of such Parishes, Places, or Precincts respectively, in Proportion to what they had or ought to have paid, for supplying and making up such Loss or Deficiency, and the Charges occasioned by or on account of the same.

And be it further Enacted, by the Authority aforesaid, That all such Sum or Sums of Money, as shall be assessed and collected in the said Parishes, Precincts, or Places, for the supplying, maintaining, and repairing, the Lights and Lamps aforesaid, shall be _____ in Writing accounted for and paid over by the said Collector or Collectors thereof for the Time being, to the said _____ within _____ after the Appointment of the new Collectors for the Year ensuing; and the said _____ to whom such Money shall be paid by such Collector or Collectors, shall yearly account in Writing for such Money, to _____ or more Justices of the Peace of the said City, _____ for the Time being to be One, within _____ after the Appointment of _____ and such Sum or Sums of Money as shall be remaining in his Hands, shall be by him paid over to the next succeeding _____ and _____ for the Time

Time being, and any One Justice of the Peace of the said City, or any Justices without the said City, shall and may, by virtue hereof, require such Collector or Collectors, and Receiver, who shall refuse or neglect to account or pay the Money remaining in his Hands, in Manner herein before directed, until he or they have made a true Account, and satisfied and paid so much as, upon the said Account, shall be remaining in his Hands.

And it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful for

to authorize and empower any Person or Persons to take down and remove any Sign or Signs, Sign-post, or Sign-iron, hung or to be hung, or fixed up, in any of the Streets, Lanes, or Passages, of the said City, or the Suburbs, Places, or Precincts thereof, that shall obstruct or obscure the Light of any of the Lamps to be erected in pursuance of this Act; and the Costs and Charges of taking down and removing such Sign or Signs, Sign-post, or Sign-iron, in case the same is, are, or shall be, hung or fixed up at any Time before the erecting the Lamp or Lamps by virtue of this Act, of which the Light shall be thereby obstructed or obscured, as well as the erecting or setting up such Sign, Signs, Sign-iron, or Sign-post, so taken down as aforesaid, shall be defrayed by

of the said City, out of the Money raised or to be raised in pursuance of this Act, for enlightening the Streets of the said City; but in case such Sign or Signs, Sign-post, or Sign-iron, shall be hung or fixed up at any Time after the erecting the Lamp or Lamps, the Light whereof shall be thereby obstructed or obscured, then and in case the Owner or Owners of such Sign or Signs, or the Occupier or Occupiers of any House or Houses to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, shall neglect to remove the same, for the Space of next after Notice of such Order, the Charges of taking down and removing thereof shall be reimbursed to the Person or Persons, so authorized to remove the same, by such Owner or Owners, or the Occupier or Occupiers, of any House or Houses to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed; and in case such Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, so neglecting to remove such Sign or Signs, Sign-post, or Sign-iron, shall not, upon Demand made, pay and reimburse such Charges as aforesaid to such Person or Persons, so authorized to remove the same; it shall and may be lawful to and for

by War- rant under the Hands and Seals of any or more of them, to cause the said Charges to be of the Goods and Chattels of the said Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, so neglecting as aforesaid, returning the Overplus thereof, upon Demand, if any be, after deducting reasonable Charges of making such to the Person or Persons whose Goods or Chattels shall be so as aforesaid.

And in case several evil-disposed Persons may wilfully and maliciously break down and destroy the Lamps hung up in the Streets, Suburbs, Places, or Precincts, of the said City, It is further Enacted, by the Authority aforesaid, That if any Person or Persons shall, from and after

take away, break, throw down, or extinguish any Lamp, that is or shall be hung out or set up to light the said Streets or Places, or wilfully damage the Posts, Irons, or other Furniture thereof, every Person or Persons, so offending therein, shall and may be forthwith apprehended and carried before the Mayor, or some Justice of the Peace, and, being thereof convicted, by the Oath of One or more Witnesses or Witnesses,

before

before the Mayor for the Time being, or any or more Justices of the Peace for the City of *Exon*, shall for the First Offence forfeit the Sum of for each Lamp so taken away, broken, thrown down, extinguished, or otherwise damaged; and for the Second Offence the Sum of and for the Third and every other Offence the Sum of to be in such manner as in this Act is herein after mentioned.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Mayor for the Time being, or any or more Justices of the Peace for the said City of *Exeter*, to hear and determine any of the Offences which are made subject to, and punishable by, any pecuniary Penalties directed to be by this Act, and the Mayor and such Justices of the Peace are hereby authorized and required, upon any Information exhibited, or Complaint made in that Behalf, within after such Offence committed, to summon the Party or Parties accused, and the Witnesses on either Side, and, upon the Appearance, or Contempt of the Party accused in not appearing, upon Proof of Notice given, to proceed to the Examination of the Witness or Witnesses on Oath (which Oath they are hereby authorized, impowered, and required to administer), to give such Judgment, Sentence, or Determination, as shall be just and conformable to the Tenor and true Meaning of this Act; and where the Party accused shall be convicted of such Offence, either by the View of the said Mayor or Justices, or any of them, or upon such Information as aforesaid, or on Confession of the Party accused, it shall and may be lawful for the Mayor, or such Justices, to issue a Warrant or Warrants for the pecuniary Forfeitures and Penalties, so adjudged, upon the Goods and Chattels of the Offender, and to to be made thereof, in case they shall not be redeemed in rendering to the Party the Overplus, if any there be, and demanded, after deducting thereout all reasonable Costs and Charges attending such as aforesaid; and in case any Person or Persons shall be convicted, in pursuance of this Act, of taking away, breaking, throwing down, or extinguishing, any Lamp or Lamps, to be hung or set up as aforesaid, or of wilfully damaging the Posts, Irons, or other Furniture thereof, and no Goods or Chattels of the Person or Persons so offending can, at the Time of such Conviction, be found, then and in such Case it shall and may be lawful to and for the Mayor, or such Justices of the Peace before whom such Person or Persons shall be convicted as aforesaid, to such Offender or Offenders to

Provided nevertheless, That it shall and may be lawful to and for the Mayor, or such Justices of the Peace, from time to time, where they shall see Cause, to mitigate, compound, or lessen, any of the said Forfeitures or Penalties, as he or they in their Discretion shall think fit, so as such Mitigation do not extend to remit above Part of the Penalty or Penalties inflicted or directed to be by this Act; and every such Mitigation shall be a sufficient Discharge, to the Persons offending respectively, for so much of the Penalties and Forfeitures as shall be so lessened, mitigated, or remitted.

And it is hereby further Enacted, by the Authority aforesaid, That all Penalties, to be by virtue of this Act, shall be paid and applied in Manner following, that is to say, to the Person or Persons who shall inform and prosecute for the same, and to the Receiver of the Chamber of the

said City, to be by him accounted for and applied as Part of the Fund for providing and maintaining such Lights as aforesaid.

And it is hereby further Enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage, any of the Lamps so hung out or set up, or to be hung out or set up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in such Case it shall and may be lawful to and for the said Mayor, or any or more of the Justices of the Peace for the said City of *Exeter*, upon Complaint thereof to him or them made, by any One or more credible Person or Persons, to summon before the said Mayor, or such Justice or Justices, the Person or Persons who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs of both Parties, or Nonappearance of the Person or Persons so complained of, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as the said Mayor, or such Justice or Justices, shall think reasonable; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within after demanded, to cause the same, by Warrant under the Hand and Seal, or Hands and Seal, of such Mayor, Justice or Justices, to be of the Goods and Chattels of the Person or Persons who shall so have done such Damage, rendering to him, her, or them, the Overplus, if any shall be, after deducting the Costs and Charges of such Warrant, and of such when demanded; and in case no sufficient can be found, the Mayor, or such Justice and Justices, shall and may, by like Warrant, the Person or Persons so neglecting or refusing to pay the Sum or Sums so to be awarded as aforesaid; to there to remain, until he, she, or they, shall make such Satisfaction as aforesaid, or for any Time not exceeding the Space of

Provided always, That if any Person or Persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the Judgment of the said Mayor or Justices, then such Person or Persons shall and may, by virtue of this Act, complain or appeal to the Justices of the Peace, at their next Quarter-Sessions to be held for the said City of *Exeter*, who are hereby empowered to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and, in case of Conviction, to issue a Warrant or Warrants for by such Means as aforesaid, the Payment of the said Penalties and Forfeitures.

And be it further Enacted, by the Authority aforesaid, That the Property of the said Lamps, and the Posts, Irons, and other Materials belonging thereto, shall be vested in the Mayor of the said City for the Time being, who is hereby authorized and empowered to bring Actions, and prefer Bills of Indictment, against any Person or Persons stealing, taking away, breaking, throwing down, extinguishing, or spoiling the same.

And whereas the Dean and Chapter of the Cathedral Church of *Saint Peter*, within the said City of *Exeter*, do now, at their Expence, enlighten, with Ten Lamps, a District, commonly called *The Close*, of the said Cathedral; It is therefore hereby Provided and Declared, That if the said Dean and Chapter shall, at their own Costs and Charges, cause the said *Close* to be duly lighted with Lamps, not less in Number than from the said

in every Year, and shall duly maintain and supply such Lamps, that then and so long as they continue to light the said *Close* as aforesaid, no Rate or Assessment shall be laid on the Dean and Canons (or Residentiary Prebendaries) of the said Cathedral

Cathedral Church, by virtue of the Powers hereby granted; any thing in this Act contained to the contrary in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Matter or Thing done in pursuance of this Act, that in every such Case the Action or Suit shall be brought within next after the Fact committed, and not afterwards; and shall be laid and brought in the City of *Exeter*, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Tryal to be had thereupon: And if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits; or if, upon Demurter, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall or may recover and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

contained to the contrary in any will or declaration of trust, or in any deed or conveyance, or in any power heretofore granted, any thing in this Act

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AN
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